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8 Attorneys for Ron Diedrich, in his official capacity as
Director and Chief Administrative Law Judge of the
9 State of California Office of Administrative Hearings

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA
13

14 **C.S., by and through his Conservator,**
15 **MARY STRUBLE, on behalf of himself and**
all others similarly situated,

16 Plaintiff,

17 v.

18 **CALIFORNIA DEPARTMENT OF**
19 **EDUCATION, a State Agency,**

20 Defendant.

Case No. 08 CV0226 W AJB

**NOTICE OF EX PARTE
APPLICATION TO SHORTEN TIME
TO HEAR MOTION FOR
INTERVENTION [No Oral
Argument Pursuant to Local Rule]**

Judge: The Honorable Thomas J. Whelan

21 TO THE HONORABLE THOMAS J. WHELAN and to all parties and their attorneys:

22 PLEASE TAKE NOTICE that applicant Ron Diedrich, in his official capacity as Director
23 and Chief Administrative Law Judge of the State of California Office of Administrative Hearings
24 ("OAH"), moves this Court for an order pursuant to Local Rule 7.1(e)(5) shortening time in
25 which to hear OAH's motion permitting OAH to intervene by right in this action pursuant to
26 Rule 24(a) of the Federal Rules of Civil Procedure and, in the alternative, permissive intervention
27 pursuant to Rule 24(b) of the Federal Rules of Civil Procedure. OAH is asking that the Court
28 treat this motion on an expedited basis so that the motion may be heard prior to the presently

NOTICE OF EX PARTE APPLICATION TO SHORTEN TIME TO HEAR MOTION FOR INTERVENTION

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1 pending motion for temporary restraining order in order that applicant may respond to, and be
2 heard at, the hearing for the temporary restraining order set for March 24, 2008.

3 This application will be based on this notice of motion and the declaration of Susan K.
4 Leach in support of this application. The grounds for this application are that the applicant is
5 entitled to intervene as a matter of right pursuant to Rule 24(a) of the Federal Rules of Civil
6 Procedure and, in the alternative, by permission pursuant to Rule 24(b) of the Federal Rules of
7 Civil Procedure and because there is a temporary restraining order motion set for hearing on
8 March 24, 2008, the motion to intervene needs to be heard and decided in time to allow OAH to
9 respond to the temporary restraining order motion.

10
11 Dated: March 7, 2008

12 Respectfully submitted,

13 EDMUND G. BROWN JR.
Attorney General of the State of California

14 CHRISTOPHER E. KRUEGER
Senior Assistant Attorney General

15 DOUGLAS J. WOODS
16 Supervising Deputy Attorney General

17
18
19 \s\ Susan K. Leach
SUSAN K. LEACH
Deputy Attorney General
Attorneys for Ron Diedrich, in his official capacity as Director
20 and Chief Administrative Law Judge of the State of California
21 Office of Administrative Hearings
22

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DECLARATION OF SERVICE BY FACSIMILE AND OVERNIGHT MAIL

Case Name: **C.S., by and through his Conservator, Mary Struble v. California
Department of Education**

Case No.: **08 CV0226 W AJB**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 300 South Spring Street, Suite 1702, Los Angeles, CA 90013. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business. My facsimile machine telephone number is (213) 897-1071.

On March 7, 2008 at 1:38 PM., I served the attached **NOTICE OF EX PARTE APPLICATION TO SHORTEN TIME TO HEAR MOTION FOR INTERVENTION** by transmitting a true copy by facsimile machine, pursuant to California Rules of Court, rule 2.306. The facsimile machine I used complied with Rule 2.306, and no error was reported by the machine. Pursuant to rule 2.306(g)(4), I caused the machine to print a record of the transmission, a copy of which is attached to this declaration. In addition, I enclosed in a sealed envelope with the **California Overnight Courier Service**, addressed as followed:

Ellen Dowd
658 Del Mar Heights Road #228
Del Mar, California 92014
(858) 755-6348

Gabriel C. Vivas, Deputy General Counsel
Department of Education
1430 N Street, Room 5319
Sacramento, CA 95814
(916) 319-0155

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 7, 2008, at Los Angeles, California.

Angela Artiga
Declarant

Angela Artiga
Signature

***** -COMM. JOURNAL- ***** DATE MAR-07-2008 ***** TIME 14:02 *****

MODE = MEMORY TRANSMISSION

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-DEPARTMENT OF JUSTICE -

***** UF-8000 v2 ***** -LOS ANGELES - ***** - 213 897 1071- *****

EDMUND G. BROWN JR.
Attorney GeneralState of California
DEPARTMENT OF JUSTICE

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DATE: March 7, 2008TIME: 1:58 PMNO. OF PAGES: 4

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TO:

NAME: Gabriel C. Vivas, Deputy General CounselOFFICE: Department of EducationLOCATION: SacramentoFAX NO.: (916) 319-0155PHONE NO.: (916) 319-0860

FROM:

NAME: Susan K. Leach, Deputy Attorney GeneralOFFICE: Government Law SectionLOCATION: Los AngelesFAX NO.: (213) 897-1071PHONE NO.: (213) 897-2105

MESSAGE/INSTRUCTIONS

Re: C.S. by and through his Conservator, Mary Struble v. California Department of Education
United State District Court - Southern District of California, Case No. 08CV0226 W AJB

Notice of Ex Parte Application to Shorten Time to Hear Motion for Intervention

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***** UF-8000 v2 ***** -LOS ANGELES - ***** 213 897 1071- *****

EDMUND G. BROWN JR.
Attorney GeneralState of California
DEPARTMENT OF JUSTICE

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DATE: March 7, 2008TIME: 2:01 PMNO. OF PAGES: 4

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TO:

NAME: Ellen Dowd, Esq.

OFFICE: _____

LOCATION: Del MarFAX NO.: (858) 755-6348PHONE NO.: (858) 342-8360

FROM:

NAME: Susan K. Leach, Deputy Attorney GeneralOFFICE: Government Law SectionLOCATION: Los AngelesFAX NO.: (213) 897-1071PHONE NO.: (213) 897-2105

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Re: C.S., by and through his Conservator, Mary Struble v. California Department of Education
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